

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

XIAORONG LAN,

Plaintiff,

VS.

UNIVERSITY OF TEXAS AT SAN ANTONIO, DR. JUAN MANUEL SANCHEZ, ASSOCIATE DEAN, CARLOS ALVAREZ COLLEGE OF BUSINESS; AND DR. HARRISON LIU, PHD ADVISOR, CARLOS ALVAREZ COLLEGE OF BUSINESS;

Defendants.

SA-22-CV-00769-FB

ORDER APPOINTING COUNSEL

Before the Court in the above-styled cause of action is Plaintiff's Motion for Appointment of Counsel [#26]. By her motion, Plaintiff asks the Court to reconsider its previous order denying her the appointment of counsel and to appoint an attorney to represent her in this case. The Court will grant the motion.

There is no right to the automatic appointment of counsel in a civil case. *Akasike v. Fitzpatrick*, 26 F.3d 510, 512 (5th Cir. 1994); *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). However, courts have the discretion to appoint counsel pursuant to 28 U.S.C. § 1915(e)(1) in *in forma pauperis* proceedings.

The record reflects that on August 8, 2022, the Court granted Plaintiff's motion to proceed *in forma pauperis* and, after finding Plaintiff to have pleaded at least one non-frivolous claim, ordered Plaintiff to serve Defendant University of Texas at San Antonio with her Complaint. On this same date, the Court denied Plaintiff's motion to appoint counsel without

prejudice to reconsideration at a later date, concluding that Plaintiff had not demonstrated that exceptional circumstances warranted an appointment.

Since that time, the undersigned has issued a report and recommendation on UTSA's motion to dismiss Plaintiff's Third Amended Complaint, finding Plaintiff's claims for national origin discrimination and retaliation under Title VII should proceed. The Court now finds that appointing counsel will advance the administration of justice and assist both Plaintiff and the Court. The Court will therefore exercise its discretion and appoint Plaintiff an attorney.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Appointment of Counsel [#26] is **GRANTED**.

IT IS FURTHER ORDERED that the following attorney is appointed to represent Plaintiff in this case:

Lorna R. Griffin
Lorna Griffin Law Offices, PLLC
1659 State Hwy 46 W, Suite 115, #188
New Braunfels, Texas, 78132
(210) 944-3345
lgriffin@lgriffinlaw.com

IT IS FURTHER ORDERED that the Clerk forward a copy of this Order appointed counsel to Ms. Griffin.

IT IS FINALLY ORDERED that appointed counsel contact Plaintiff within **seven days** of this Order.

SIGNED this 25th day of April, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE